

### III. REMARKS

1. Claims 33-42 and 44-54 remain in the application. Claims 1-32 and 43 have been cancelled without prejudice. Claims 33-39, 41, 42, 44-50, and 53 have been amended.

2. Claims 35, 36, 38, 41, 42, 44, 45, 48-50, 53, and 54 are patentable over the combination of Sehr (US 6,325,292) and "Lovegety." ([www6.cnn.com/IWORLD/asiapcf/9806/07/fringe/japan.lovegety/](http://www6.cnn.com/IWORLD/asiapcf/9806/07/fringe/japan.lovegety/)) under 35 USC 103(a).

The combination of Sehr and Lovegety fails to disclose or suggest a first mobile terminal having circuitry for trading a digital collectable card associated with a user of the first mobile terminal, and means for detecting whether a second mobile terminal is available for trading the digital collectable card, wherein the means for detecting whether a second mobile terminal is available for trading the digital collectable card further comprises a means for detecting the availability of a particular digital collectable card, as recited by claim 36.

The combination of Sehr and Lovegety also fails to disclose or suggest a method including trading a digital collectable card associated with a user of a first mobile terminal, further including detecting whether a second mobile terminal is available for trading a digital collectable card, including detecting the availability of a particular digital collectable card; and communicating within an operational range of short range wireless communications directly between the first and second terminals for trading the particular digital collectable card, as recited by claim 45.

The combination of Sehr and Lovegety also fails to disclose or suggest a system for trading a plurality of digital collectable cards including a first mobile terminal having a user associated with a first card of the plurality of digital collectable cards, wherein the system is configured to detect the availability of the first card, a second mobile terminal having a second user, the second mobile terminal being capable for associating the second user with the first card, the second mobile terminal operable to determine if the

first mobile terminal is in the vicinity of the second mobile terminal, wherein the system is configured to detect whether the second mobile terminal is available for trading the first card, and wherein the first and second mobile terminals both comprise a short-range wireless communication transceiver for directly communicating between the first and second mobile terminals for trading the first card, as recited by claim 50.

2.1 Neither Sehr nor Lovegety disclose or suggest a first mobile terminal having circuitry for trading a digital collectable card, or a method for trading digital cards as recited by claims 36 and 45.

Sehr discloses a hardware portable collector card device that uses smart card technology. However, there is no disclosure that the hardware card or any other device in Sehr is a mobile terminal, and no suggestion or hint of a mobile terminal with circuitry for trading a digital collectable card. Sehr describes a card system with a card issuer, a card service center, a card station and one or more service providers. Various services are available via the hardware card, including storing collectable information, security data, loading monetary values and electronic payment forms, and using the card to view the collectable information and to pay for goods and services. Nevertheless, there is no mobile terminal in Sehr capable of trading a digital collectable card. Column 15, lines 27-28 of Sehr mentions that cards may be traded between collectors, however, there is no mention of trading a card associated with a user of a mobile terminal and no mention of any method of trading cards.

Lovegety discloses a device where a user enters matchmaking information and the device scans for other devices with corresponding data. The device may alert a user if analogous data is found in a device located close by. However, Lovegety has no disclosure related to circuitry for trading a digital collectable card associated with a user of a first mobile terminal. Lovegety simply detects whether another Lovegety device with corresponding data is within a short range. It has no circuitry for trading a digital collectable card.

2.2 Neither Sehr nor Lovegety disclose or suggest detecting whether a second mobile terminal is available for trading the digital collectable card, as recited by claims 36 and 45. Sehr has no disclosure related to mobile terminals at all, and furthermore no disclosure related to a mobile terminal capable of detecting whether a second mobile terminal is available for trading digital collectable cards. As mentioned above, Lovegety detects whether another Lovegety device with corresponding data is within range. There is no disclosure in Lovegety related to a first mobile terminal capable of detecting whether a second mobile terminal is available for trading a digital card.

2.3 Neither Sehr nor Lovegety disclose or suggest detecting whether a second mobile terminal is available for trading the digital collectable card including detecting the availability of a particular digital collectable card, as recited by claims 36 and 45. There is no disclosure in Sehr that suggests such detection. While Lovegety is capable of detecting another Lovegety, there is no disclosure that even suggests detecting the availability of a particular digital collectable card.

2.4 On page 2, section 3, of the present Final Action mailed on 7 February 2007 the Examiner states that Sehr discloses a mobile terminal for trading a digital collectable card associated with a user within a plurality of wireless mobile terminals, also used for trading digital collectable cards associated with other users, via a wireless transceiver, and cites column 3, lines 12-22. Applicants disagree. Column 3, lines 12-22 state:

This invention relates to an automated card system and methods for facilitating via a portable collector card device a plurality of services, comprising storing collectible information, security data, and other information in the collector card; loading monetary values and electronic payment forms in the card; issuing and using the card for enjoyment and other services, and for purchases of goods and services; rendering the services requested and clearing the payments made via the card; and communicating card data and related service information between and among the system entities.

Applicants find nothing in this portion or anywhere else in Sehr related to a mobile terminal for trading a digital collectable card associated with a user within a plurality of wireless mobile terminals.

2.5 On page 3, section 5, of the present Final Action the Examiner states that with respect to claim 36, Sehr discloses that the mobile terminals have selection features that would allow the user to look for particular items that the would be interested in, such as updating information for a particular card, and cites column 12, lines 41-56. Applicants disagree. Column 12, lines 41-56 states:

The card-based collectibles will be stored as an electronic representation of collectible information. The card data can be displayed, checked for accuracy, or cancelled including replaced with new information. Such information can comprise fixed data or data that can be updated to always contain the most recent data relating to a particular collectible item. For instance, information relating to a particular athlete or sporting event can be modified so as to reflect the changing performance of that athlete or the additional information made available about that event. Collectible information stored in a particular card can also be transferred into another collector card without the need to communicate with a central database. In addition, once transferred, specific information can be automatically cancelled in that particular card, so that no more than one original collectible information will be in circulation.

This portion of Sehr clearly describes how card data may be updated or transferred to another card. Applicants fails to see how this relates to a means for detecting whether a second mobile terminal is available for trading a digital collectable card that includes a means for detecting the availability of a particular digital collectable card, as recited by claim 36.

2.6 Claim 50 is directed to subject matter similar to that of claims 36 and 45, and is patentable over the combination of Sehr and Lovegety for the same reasons.

.Therefore, because neither Sehr nor Lovegety disclose or suggest all the features of claims 36, 45, and 50, the combination of Sehr and Lovegety fails to render independent claims 36, 45, and 50, and dependent claims 35, 38, 41, 42, 44, 48, 49, 53, and 54 unpatentable .

3. Claims 33, 34, 37, 39, 40, 46, 47, 51, and 52 are patentable over the combination of Sehr and Lovegety in view of "Newton" (Newton's Telecom Dictionary 20<sup>th</sup> Updated and Expanded Edition) under 35 USC 103(a).

Claims 33, 34, 37, 39, 40, 46, 47, 51, and 52 depend from claim 36, 45, or 50.

Newton fails to disclose or suggest the features of claim 36 missing from the combination of Sehr and Lovegety, that is, a first mobile terminal having circuitry for trading a digital collectable card associated with a user of the first mobile terminal, and means for detecting whether a second mobile terminal is available for trading the digital collectable card, wherein the means for detecting whether a second mobile terminal is available for trading the digital collectable card further comprises a means for detecting the availability of a particular digital collectable card.

Newton also fails to disclose or suggest a method including trading a digital collectable card associated with a user of a first mobile terminal, further including detecting whether a second mobile terminal is available for trading a digital collectable card, including detecting the availability of a particular digital collectable card; and communicating within an operational range of short range wireless communications directly between the first and second terminals for trading the particular digital collectable card, as recited by claim 45.

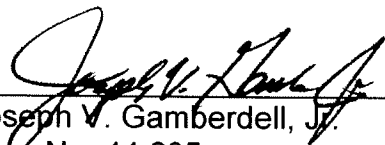
In addition, Newton does not provide a system for trading a plurality of digital collectable cards including a first mobile terminal having a user associated with a first card of the plurality of digital collectable cards, wherein the system is configured to detect the availability of the first card, a second mobile terminal having a second user, the second mobile terminal being capable for associating the second user with the first card, the second mobile terminal operable to determine if the first mobile terminal is in the vicinity of the second mobile terminal, wherein the system is configured to detect whether the second mobile terminal is available for trading the first card, and wherein the first and second mobile terminals both comprise a short-range wireless communication transceiver for directly communicating between the first and second mobile terminals for trading the first card, as recited by claim 50.

Therefore, the combination of Sehr, Lovegety, and Newton fails to render claims 33, 34, 37, 39, 40, 46, 47, 51, and 52 unpatentable.

It is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable consideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
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4 May 2007  
Date

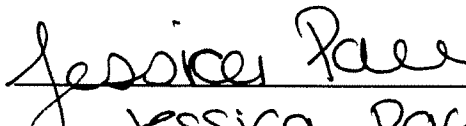
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